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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/691,129	10/22/2003	Nicholas Shayne Brookins	4752-000004	5340
27572 7590 09/04/2009 HARNESS, DICKEY & PIERCE, P.L.C. P.O. BOX 828 BLOOMFIELD HILLS, MI 48303				
EXAMINER WANG, KENT F				
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**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

### Office Action Summary

**Application No.**

10/691,129

**Applicant(s)**

BROOKINS, NICHOLAS SHAYNE

**Examiner**

KENT WANG

**Art Unit**

2622

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --  
**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on 28 July 2009.  
2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.  
3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 1-4, 6-15 and 18-21 is/are pending in the application.  
4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.  
5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.  
6) ☒ Claim(s) 1-4, 6-8, 14-15 and 18-19 is/are rejected.  
7) ☒ Claim(s) 9-13, 20 and 21 is/are objected to.  
8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.  
10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).  
11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).  
a) ☐ All b) ☐ Some \* c) ☐ None of:  
1. ☐ Certified copies of the priority documents have been received.  
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.  
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- 1) ☒ Notice of References Cited (PTO-892)  
2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)  
3) ☐ Information Disclosure Statement(s) (PTO/SB/808)  
Paper No(s)/Mail Date \_\_\_\_\_  
4) ☐ Interview Summary (PTO-413)  
Paper No(s)/Mail Date \_\_\_\_\_  
5) ☐ Notice of Informal Patent Application  
6) ☐ Other: \_\_\_\_\_

**DETAILED ACTION**

***Response to Request for Appeal Brief***

1. In view of the Appeal Brief filed on 07/28/2009, PROSECUTION IS HEREBY REOPENED and the rejections respect to claims 1-4, 6-15 and 18-21 are withdrawn. Claims 1-4, 6-15 and 18-21 are pending.

***Response to Arguments***

2. Applicant's arguments with respect to claims 1-4, 6-15 and 18-21 have been fully considered and are persuasive. Therefore, the rejection has been withdrawn. However, upon further consideration, a new ground(s) of rejection is made in view of original prior art references.

***Claim Rejections - 35 USC § 102***

3. The text of those sections of Title 35, U.S. Code not included in this action can be found in a prior Office action.
4. Claims 1-4, 6-8, 14-15, and 18 are rejected under 35 U.S.C. § 102(b) as being anticipated by Miyagi, US 2002/0047916.

Regarding claim 1, Miyagi discloses a video transmission system (Figs 1, 4, and 5), comprising:

- a video source (a digital image recording apparatus 2 works as an image pickup apparatus, Figs 1, 4) ([0022]-[0025], Miyagi);

- a video server (an image distribution server 7, Figs 1 and 4-5) adapted to receive video data from the video source, the video server operable to buffer the video data and transmit the video data across a network (a wire network 5, such as the Internet, Figs 1 and 5-6) ([0023]-[0026], Miyagi); and
- a video retransmitter (an e-mail function to send out the video data) residing on a first computing device (an image processing apparatus 6 or 60, such as a personal computer, Figs 1 and 5-6) and adapted to receive the video data via the network (a wire network 5, such as the Internet, Figs 1 and 5-6) from the video server (an image distribution server 7), said video retransmitter operable to buffer the video data and re-transmit the video data to a second computing device (the portable telephone 9 or the portable information terminal 10, Figs 1, and 4-5), wherein the second computing device (i.e. the portable telephone 9) is configured to receive the video data from either the video server (with reference to Fig 4, the image data captured by the digital image recording apparatus 2 is temporarily stored in the image distribution server 7 connected to the network 5 via the portable telephone 3 and is displayed on the portable telephone 9) or the video retransmitter (with reference to Fig 5, a sequence of operations in which a GIF file with additional data from the digital image recording apparatus 2 is temporarily uploaded to an image distribution server 7 via a personal computer 60 and then is sent to the portable telephone 9), and operable to select either the video server (an image distribution server 7) or the video retransmitter (a personal computer 60) as a source for the video data based on a metric (such as an e-mail address, an image

file name, a message, and the like) associated with the transmission path of the video data from the source (the GIF file with video data attached to the email is uploaded to the image distribution server 7 via the wireless transmission path and the wire network 5, and based on the transmitted data (such as a metric, i.e. a e-mail address), as the image distribution server generates a e-mail message in a specified mode, a URL, and HTML files for a password check screen and a viewer page as the image distribution server returns a processing result to the personal computer 60, then, the image distribution server sends a mail message in a specified mode to a mail server 22 according to a fixed mail format used for the mail server and the mail server distributes the mail message in the specified mode to the portable telephone 9, in other word, as illustrates in Fig 6, the portable telephone has a function to select either the image distribution server or the personal computer as a source for the video data based on a metric) ([0041]-[0049], Figs 4-6, Miyagi).

Regarding claim 2, Miyagi discloses the video source is further defined as a digital camera (a digital image recording apparatus 2 works as an image pickup apparatus) ([0022], Miyagi).

Regarding claim 3, Miyagi discloses the video server is integrated with the video source (connecting the digital image recording apparatus 2 to the network) ([0028] and Fig 1, Miyagi).

Regarding claim 4, Miyagi discloses the second computing device (the portable telephone 9 or the portable information terminal 10, Figs 1, and 4-5) is operable to display the video data (a display section 23) ([0048], Miyagi).

Regarding claim 6, Miyagi discloses the second computing device (the portable telephone 9 or the portable information terminal 10, Figs 1, and 4-5) is configurable to receive the video data from the selected source service (i.e. server 7 or computer 60) (Figs 4 and 5, Miyagi).

Regarding claim 7, Miyagi discloses the second computing device (the portable telephone 9 or the portable information terminal 10, Figs 1, and 4-5) is adapted to receive the video data via the network (a wire network 5, such as the Internet, Figs 1 and 5-6) from the video retransmitter (an image processing apparatus 6 or 60, such as a personal computer, Figs 1 and 5-6) ([0024], Miyagi).

Regarding claim 8, Miyagi discloses the second computing device (the portable telephone 9 or the portable information terminal 10, Figs 1, and 4-5) is adapted to receive the video data via another network (Fig 5 illustrates a network for second computing device to receive the video data from the first computing device while Fig 4 shows another network for second computing device to receive video data from video server) from the video retransmitter (Figs 4 and 5, Miyagi).

Regarding claim 10, Miyagi discloses the video server is operable to maintain a directory (additional data such as mail address, an image file name, a message, and the like), where the directory includes a list of client computing devices to whom video data is currently being

sent and which are configured to retransmit the video data (the image distribution server 7 generates a URL and a mail message in a specified mode) ([0042], Miyagi).

Regarding claim 11, Miyagi discloses each entry in the directory identifies a source (mail address) whose video data (GIF file with additional data) is capable of being retransmitted from a source other than the video server (apparatus 6), a network address for the identified source (URL); and an indicator as to whether the video data is being received on a dedicated basis (the image distribution server 7 returns a processing result to the personal computer 60) ([0042], [0045], and [0046], Miyagi).

Regarding claim 12, Miyagi discloses the video server is adapted to receive requests for the video data and operable to log an entry (customer ID and password) into the directory when the requesting computing device is configured to retransmit the video data ([0044] and [0045], Miyagi).

Regarding claim 13, Miyagi discloses the directory is accessible to the second computing device (personal computer), the second computing device being operable to evaluate each alternative source for the video data being requested (the image distribution server 7 returns a processing result to the personal computer) and selecting a source for the video data (content delivery network 310, Fig 3) based on a metric (such as a mail address, an image file name, a message, and the like) associated with the transmission path of the video data from the source (the GIF file with additional data is uploaded to the image distribution server 7 via the wireless transmission path and the wire network 5 when a transfer button is operated) ([0041]-[0049], Miyagi).

Regarding claim 14, this claim differs from claim 1 only in that the claim 1 is an apparatus claim whereas claim 14 recites similar features in a method format. Thus the method claim 14 is analyzed and rejected as previously discussed with respect to claim 1 above.

Regarding claim 15, Miyagi discloses the step of transmitting the video server from the video server further comprises:

- receiving a request for the video data from the first client computing device (the image distribution server 7 sends an email message to notify a recipient that an image is available for distribution) ([0026], Miyagi);
- determining whether the first client computing device is configured to retransmit the video data (the image distribution server 7 checks a certification or authentication server 21 based on the ID and password transmitted from the personal computer 60) ([0044], Miyagi); and
- logging an entry (a customer ID and a password) in a retransmitter directory when the first client computing device is configured to retransmit the video data ([0044], [0045], and [0046], Miyagi).

Regarding claim 18, Miyagi discloses the metric (such as a mail address, an image file name, a message, and the like) is associated with a transmission path of the video data from the evaluated source (the GIF file with additional data is uploaded to the image distribution server 7 via the wireless transmission path and the wire network 5 when a transfer button is operated) ([0041]-[0049], Miyagi).



***Claim Rejections - 35 USC § 103***

5. The text of those sections of Title 35, U.S. Code not included in this action can be found in a prior Office action.
6. Claim 19 is rejected under 35 U.S.C. § 103(a) as being unpatentable over Miyagi in view of Ramirez-Diaz, US 2003/0085998.

Regarding claim 19, Miyagi discloses a method for transmitting video data across a network environment comprising receiving, transmitting, buffering, and retransmitting the video data from the video server across a network. Miyagi does not explicitly disclose the step of buffering the video data further comprises periodically reassessing whether the video data may be retrieved from an alternative data source.

However, Ramirez-Diaz discloses the step of buffering the video data further comprises periodically reassessing (whenever the user receives the pager message) whether the video data may be retrieved from an alternative data source (retrieve the message with the attached video camera image from a mail account) ([0044], Ramirez-Diaz).

Ramirez-Diaz and Miyagi are analogous art because they are from the same field of image data communication. At the time of the invention, it would have been obvious to a person of the ordinary skill in the art to use Ramirez-Diaz's video-based security system in Miyagi's image data communication system. The suggestion/motivation would have been to enable the display information such as the video camera image and status signals from devices from anywhere in the world can be opened to retrieve from a standard web browser ([0032], [0044], Ramirez-Diaz).

***Allowable Subject Matter***

7. Claims 9-13 and 20-21 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

***Conclusion***

8. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure:
- Lincoln et al. (US 2002/0056010) provide a client-transparent method and apparatus for compressing and transmitting requested web server data and uncompressing this data on client browsers;
  - Tullis (US 2002/0171737) discloses a method and system allow a hand-held digital camera to access and store large volumes of digital image data utilizing a wireless communications link between a host computer and the camera;
  - Rabinovich (US 6,256,675) discloses a system and method for distributing requests for objects to hosts that store replicas of the objects, and for managing the placement of the replicas among hosts;
  - Farber et al. (US 6,185,598) provides a way for servers in a computer network to off-load their processing of requests for selected resources by determining a different server to process those requests. The selection of the repeater can be made dynamically, based on information about possible repeaters; and

- Roach et al. (US 7,171,485) discloses a data distribution center associated with a broadband network system wherein the first broadband network system further includes at least one broadband interface unit transceiver comprising a receiver portion and a transmitter portion.
9. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Kent Wang whose telephone number is 571-270-1703. The examiner can normally be reached on Monday-Friday, 0800-1700, EST.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Sinh Tran can be reached on 571-272-7564. The fax phone number for the organization where this application or proceeding is assigned is 571-270-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://portal.uspto.gov/external/portal/pair>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free)? If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/TUAN HO/  
Primary Examiner, Art Unit 2622

KW  
2 September 2009